

TITLE 6

ADMINISTRATIVE CODE

Chapter PURPOSES AND PRINCIPLES

6-1-1. Short Title.

This title shall be known and may be cited as the "Administrative Code."

6-1-2. Purpose and Intent.

The purpose and intent of this title of the Revised Ordinances of Sandy City is to:

- (a) Establish and clarify the organizational structure of the City government.
- (b) Establish certain historical, theoretical and philosophical principles which may be used for the operation of the City Administration.
- (c) Identify appointed officials and specify their duties.
- (d) Establish descriptions and parameters of departmental responsibilities.
- (e) Establish specific definitions of the powers, duties and functions of the Mayor and City Administrator of the City.
- (f) Establish standards for professional administration of the City.
- (g) Establish an administrative, rule-making and adjudicatory procedure.
- (h) Establish the general parameters of the administration of the personnel, purchasing and financial functions of the Administration.

6-1-3. Administrative Organization.

The municipal government of Sandy City is divided into separate, independent and equal branches of government pursuant to the provisions of the "Optional Forms of Municipal Government Act" as established by the State of Utah. The equal and independent branches of government in Sandy City are the executive branch and the legislative branch. The executive branch consists of the Mayor of Sandy City, the administrative departments of the City and the department heads, other officers and employees. The legislative branch consists of a municipal

council and support staff. The Mayor of Sandy City shall exercise the executive powers of government.

6-1-4. Principles of Administrative Management.

The following principles of administrative management are herein set forth to give foundation to and direction for the implementation of the provisions of this Administrative Code:

- (a) The first and uppermost responsibility of all City employees shall be to provide friendly and efficient service to the residents of the City.
- (b) Management Objective. The ultimate and primary management objective of City government is to provide service to the citizens of the community at the highest possible level for the lowest practical cost.
- (c) Relationship between the Mayor and City Administrator. The Resolution and Code recognize that the Mayor has several critical roles to perform in addition to his position as the Chief Executive of the City with final administrative authority. It is the intent of the Code that professional management be provided through the mandatory appointment of a City Administrator whose selection is based on specific qualifications and who is given the necessary management tools to carry out his responsibilities. The two positions are intended to complement each other by combining strong political leadership with management expertise.
- (d) Span of Control. The span of control is the number of people over which a supervisor has direct management responsibilities. It is important to understand that an effective span of control is the number of subordinates who can be supervised effectively. The median span of control ranges from six to ten subordinates. There is no reason for the span of control in Sandy City to ever be less than five subordinates. Therefore, the general principle will be followed that no new supervisory positions will be authorized until the split will leave each supervisor with at least five subordinates. Presently existing positions will not be affected unless there is a major problem. The creation of any new supervisory positions will be carefully scrutinized by the City Administrator. Supervisory positions may be limited because of the size of the organization. An attempt will be made within the parameters of effective personnel and fiscal policy to provide adequate job ladders based on skill development.
- (e) Departments. Departments in cities are formed to provide a structure from which certain functions in the City are performed. An attempt will be made to organize the departments as rationally as possible according to specific functions.
- (f) Authority Relationships, Line and Staff Positions.
 - (1) In general, line positions will be those that provide direct services to the public. Staff positions will be those which perform services of an advisory/research nature or which are provided to keep the City government operating smoothly. An example of a line position is that of police officer.

An example of a staff position is city attorney. The majority of City resources should be given to the producing activities as performed by line positions.

- (2) Organizational charts will be used to establish lines of authority. For certain projects, in which specialized knowledge or skill may be required, functional authority (which is the delegated right to have managerial power over a specific project and its team members, even when such authority may cross departmental lines) may be delegated to members of the administrative organization. Delegation of functional authority will not be made a part of any organizational chart.
- (g) Decentralization of Functions. The majority of functions in the city administration will be administered through a decentralized process. As such, assignments and responsibilities will be delegated to lower levels to increase efficiency. More centralized control will change the intent of the policy or when such actions are thought to be controversial. This process will provide for stability and protect the elected official's right and duty to establish policy.
- (h) Staffing Levels. Staffing levels should be held to the minimum basic core of employees. These employees should be given job security during cyclical down-turns. When workload demands exceed the core staff's ability to perform, the excess workload should be performed by temporary personnel or performed by way of contract so as to limit long- term staffing commitments. The basic core of staff can increase as the City increases in size. The minimum core levels shall be defined by the City Administrator and shall only increase after his careful review.
- (i) Contract Services. The City will consider contracting for services when such contracts can be shown to be cost effective and will provide acceptable service levels.
- (j) Limitation on Administrative Rules. Administrative rules should be restricted wherever feasible to eliminate unnecessary bureaucracy, avoid unnecessary financial burdens and prevent unnecessary restrictions of freedom of the public.
- (k) Executive Summaries. Executive summaries of major policy recommendations and research will be required of staff before proposals will be considered for adoption. These summaries should be approximately one page in length and follow a format designed by the City Administrator to clearly highlight the major points, benefits, costs, implications and other impacts of the recommendations.
- (l) Management Style. The management style in the City Administration will generally follow the philosophy of "management by results" and not "management by process." This style will be implemented within broad standards and guidelines. Where the type of work or type of employee requires direct supervision, such supervision will be provided.

- (m) Management by Objectives. The concepts of management by objectives and evaluation of performance will be strongly emphasized. Effective and efficient employees should be paid and rewarded appropriately. Employees who perform below acceptable standards should expect pay and rewards which will be below standard, including possible termination.
- (n) Communication of Departments. Communication from, between and among departments shall be encouraged by the City Administration. Requests for services, the changing of priorities or the giving of general directions will follow proper lines of authority.
- (o) Open Door Policy. The City Administration will have an "open door policy" to help encourage a more open communication process. Specific guidelines will be established in order to avoid abuse of this principle.
- (p) Departmental Policy. Departmental policy proposals which may be controversial, change the intent of existing policy, or have major long-term policy impact shall be considered and approved in the Mayor's cabinet meeting before implementation.
- (q) Management by Exception. Management by exception, which is the process of having designated employees submit proposed policies or actions in writing to a supervisor and having the policy or action adopted automatically if the supervisor does not respond with comments within a definite time period, will be implemented in accordance with specific guidelines. This method of management will be used to increase work flow and efficiency.
- (r) Staff Participation. Staff members are encouraged to submit recommendations to the Administration with regard to the adoption of policy. Such additional recommendations may conflict with recommendations previously submitted by other staff members, and in the event of such conflict, justification for a conflicting recommendation should be provided.
- (s) Citizen Involvement. Citizen involvement in policy issues including those of direct impact on citizens will be encouraged.
- (t) Other. The areas as outlined above are not meant to be limiting factors in the management approach in Sandy City but merely a description of principles that are necessary to define or understand.

6-1-5. Definitions.

- (a) The terms used in this Administrative Code shall have the meanings normally given to such terms, unless a specific definition or a particular context in which the term is used shall require a different meaning to be given to such term.
- (b) It is the intent of this Code that certain terms be used interchangeably within the several provisions of the Code and to that end, all terms shall be interpreted and

defined to conform with the whole of the Code and the provisions of the laws of the State of Utah.

Chapter 2 OFFICE OF MAYOR

6-2-1. Qualifications and Term of Office.

The Mayor shall be a registered voter of the municipality and shall be elected at large for a term of four (4) years.

6-2-2. Vacancy in Office of Mayor.

If any vacancy occurs in the office of Mayor, the Council within thirty (30) days shall make an appointment to fill the vacancy created until the next municipal election when his successor can be elected and qualified. The Chairman of the Council shall become acting Mayor pending the appointment of a person to fill the office of Mayor.

6-2-3. Powers and Duties.

The Mayor shall be the chief executive and administrative officer of Sandy City and shall have the power and duty to:

- (a) Enforce the laws and ordinances of Sandy City;
- (b) Execute the policies adopted by the Sandy City Council;
- (c) Appoint and remove administrative assistants;
- (d) Appoint, with the advice and consent of the City Council, a City Administrator to exercise such powers of administration and perform such duties as the Mayor shall prescribe;
- (e) Appoint, upon the recommendation of the City Administrator and the advice and consent of the City Council, department heads;
- (f) Remove, upon recommendation of the City Administrator, department heads, administrative assistants and appointed officials and may, when deemed necessary, remove the City Administrator;
- (g) Appoint, with the advice and consent of the Council, members to the Planning Commission, Board of Adjustment, other commissions, boards and committees of the City, except as may otherwise be specifically limited by law.
- (h) Appoint, upon the recommendation of the City Administrator and with the advice and consent of the City Council, a qualified person to each of the offices of Recorder, Treasurer, Engineer and Attorney; and any other office deemed necessary for the good government of the municipality and make appointments to the same; and regulate and prescribe the powers and duties of all other officers of the municipality, except as provided by law or ordinance;

- (i) Exercise control of all departments, divisions and bureaus within the City government;
- (j) Attend all meetings of the City Council with the right to take part in all discussions and the responsibility to inform the Council of the condition and needs of the City, make recommendations and freely give advice to the Council, except that the Mayor shall not have the right to vote in Council meetings.
- (k) Appoint the City Administrator as the budget officer with the purpose of conforming to the requirements of the Uniform Municipal Fiscal Procedures Act, and in all other respects fulfill the requirements of that Act, including the presentation of a proposed budget to the City Council;
- (l) Remove department heads and officers and employees, commission, boards and committees;
- (m) Furnish the City Council with a report, at least once every two (2) months, setting forth the amounts of all budget appropriations, the total disbursements to date from these appropriations and the amount of indebtedness incurred or contracted against each appropriation (including disbursements and indebtedness incurred and not paid) and the percentage of the appropriations encumbered to date, and such report shall be made available for public inspection;
- (n) Approve and authorize administrative standards, procedures and programs;
- (o) Act as the financial officer of the City and exercise claim approval authority as authorized by state law:
 - (1) Approve payroll checks prepared for authorized City employees hired in accordance with established personnel policies. The amount paid to any such employee shall be in accordance with the specific salary schedules as adopted by the City Council; and
 - (2) Approve claims submitted for payment of routine expenditures, such as utility bills, payroll related expenses, and supplies and materials when such supplies and materials have been purchased according to authorized purchasing procedures as established by ordinance or resolution; and
 - (3) Approve claims when submitted in accordance with approved contracts; and
 - (4) Approve claims submitted for capital purchases, when such purchases are made pursuant to established purchasing procedures as referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year budget.

The above claim approval authority concerning claims delegated to and exercised by the Mayor is hereby subject to the following restrictions.:

- (5) No claim may be approved by the Mayor which is not within the duly and

legally adopted or adjusted budget; and

- (6) No claim may be approved which was not made in accordance with personnel, purchasing or other established ordinances and procedures.

The Director of Finance shall pre-audit all claims pursuant to the requirements of state law and shall not disburse any payments without appropriate approval. The Director of Finance shall establish procedures to ensure that documented approval is obtained in accordance with the provisions of law and ordinance. Monthly reports of detailed expenditures shall also be prepared by the Director of Finance and be made available to the Mayor and City Council.

Specific budgetary and administrative procedures consistent with the provisions of this ordinance may be established by resolution.

- (p) Propose amendments to the Administrative Code;
- (q) Exercise power of veto as deemed appropriate upon every ordinance or tax levy passed by the City Council in accordance with the provisions of the laws of the State of Utah.
- (r) Fulfill the powers, duties and obligations of the office of Mayor as a full-time position with the City;
- (s) Act as an official representative of the City in relationships with:
 - (1) The press and other media representatives;
 - (2) Governmental and quasi-governmental agencies;
 - (3) The private sector;
 - (4) Negotiations at which the City's interests must be represented.
- (t) Advocate City interests;
- (u) Provide leadership, promote citizen involvement and City unity and solidarity;
- (v) Sign documents as provided by law;
- (w) Recommend programs for the physical, economic, social and cultural development of the City;
- (x) Act in the City's interests upon ceremonial occasions, as a public relations officer of the City and its communications between the City and the public.
- (y) Solemnize marriages in accordance with the laws of this state;
- (z) Perform for the City the same functions, with regard to a municipal initiative and referendum, as would be delegated by law to the governor in the instance of a

state-wide initiative and referendum;

- (aa) Deliver, within five (5) days after notification and request, to his successor in office all properties, books and effects of every description in his possession belonging to the City or appertaining to his office;
- (bb) Formulate and recommend to the City Council policy for the adoption by said Council;
- (cc) Prepare and submit to the City Council an annual report of the City's affairs, including a summary of the reports of the operations of all City departments, within six months following the close of the fiscal year;
- (dd) Perform such other duties as may be prescribed by ordinance or statute.

6-2-4. Power in Time of Riot, Unlawful Assembly or Unlawful Disobedience.

- (a) Whenever in the judgment of the Mayor it is determined, or when in the event of the Mayor's disability to act the members of the City Council determine, that an emergency exists as a result of riot, mob action, act of God, disaster or civil disturbance which causes danger of injury or damages to persons or property; the Mayor or said Council members shall have power to impose by proclamation or resolution any and all of the following orders deemed necessary to preserve the peace and order of the City:
 - (1) An order establishing a curfew upon all or any portion of the City thereby requiring all persons in designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel performing essential public services, fire fighters and City authorized or requested law enforcement officers and personnel may be exempted from such curfew.
 - (2) An order closing any business establishment anywhere within the City for the period of the emergency, which businesses may include, but need not be limited to, those selling or dispensing intoxicating liquors or beer, gasoline or other flammable liquids or combustible products, firearms or other products creating a potential of personal harm or property damage.
 - (3) An order closing all private clubs or portion thereof where the consumption of intoxicating liquor and/or beer is permitted.
 - (4) An order discontinuing the sale of beer or other alcoholic beverages.
 - (5) An order designating any public street, thoroughfare, alley, park or vehicle parking areas closed to motor vehicles and pedestrians for the period of the

emergency.

- (6) An order calling upon regular and auxiliary fire or law enforcement agencies and organizations, within or without the City, to assist in preserving and keeping the peace within the City.
 - (7) Such other orders as are imminently necessary for the protection of life and property.
 - (8) The Council may convene to make policy decisions regarding emergency action whenever the Council may deem necessary.
- (b) The proclamation or resolution of emergency action provided for herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

6-2-5. Council-Mayor Relationships.

- (a) The Mayor shall make all appointments to the Planning Commission and Board of Adjustment after having received the advice and consent of the City Council on each separate prospective appointment. The foregoing notwithstanding, the Mayor is hereby authorized and granted the power to fire, discharge, remove, suspend or otherwise appropriately discipline officers, department heads, administrative assistants and the City Administrator and other persons in the executive branch of City government, consistent with the provisions of due process, City ordinance, and state statute.
- (b) The Mayor, acting in his capacity as the liaison between the administrative staff and the City Council, shall be consulted with and his approval obtained before any member of the City Council shall request from any member of the administrative staff any assistance, advice or work product. This consultation and approval requirement shall not apply to requests by members of the City Council for information, advice or assistance from staff members when such action can be accomplished in a short period of time or without the expenditure of more than a nominal amount of administrative time or funds.

6-2-6. Office of the Mayor.

Subject to the limitations and requirements of applicable budget appropriations, the Mayor may hire such assistants and officers who shall perform such functions and duties as may be assigned to them by the Mayor. In order to provide proper staff and management services to the City and its departments, the Mayor is authorized to establish within his office such divisions or sections as may seem necessary or proper for the purposes aforesaid. From time to time the Mayor may:

- (a) Abolish, change or reorganize the same;

- (b) Abolish, change, reorganize or transfer functions, duties and services;
- (c) Assign or reassign personnel to or between any section or division of the office of the Mayor;
- (d) Transfer functions, duties and services and assign or reassign personnel from, to, between and among any section or divisions of the Mayor's office.

Such actions by the Mayor may be on a temporary or permanent basis, subject to further change, reorganization or reassignment as the Mayor may determine upon the advice of the City Administrator.

6-2-7. Executive Committees.

The Mayor may solicit the advice of private parties and may administratively establish, drawing from City personnel and private parties, executive committees to assist and provide counsel in the administration of City affairs. Any such committees so organized shall report to be coordinated by and have a liaison with the City through the executive branch of City government in a manner designated by the Mayor.

Chapter 3 CHIEF ADMINISTRATIVE OFFICER

6-3-1. Chief Administrative Officer.

The Mayor shall be required, with the advice and consent of the City Council, to appoint a Chief Administrative Officer to exercise such powers of administration and perform such duties as the Mayor shall prescribe. The Chief Administrative Officer may be removed at the sole discretion of the Mayor. The Chief Administrative Officer may also be known as and designated by the title of "City Administrator." The Chief Administrative Officer shall be appointed on the basis of his ability and prior experience in the field of public administration, together with such other qualifications as may hereinafter be set forth.

6-3-2. Duties of Chief Administrative Officer.

The Chief Administrative Officer shall have the power and duty to:

- (a) Act as the City Administrator;
- (b) Recommend to the Mayor the appointment of persons to the position of department head and to other employment positions within the City;
- (c) Recommend to the Mayor the removal of persons such as department heads or as employees of the City;
- (d) Approve administrative policy and rules;
- (e) Act as the budget officer of the City and have the power to delegate the authority and responsibility of such office;
- (f) Act through the Mayor to enforce the laws, ordinances and policies as established by the City Council and enforce such policies as established by the administrative rule making process;
- (g) Bind the City to financial agreements in emergency situations in an amount as established by resolution of the City Council;
- (h) Act as an official representative of the City administration in the Mayor's absence;
- (i) Sign agreements in behalf of the City in the Mayor's absence;
- (j) Recommend to the Mayor and implement upon adoption such projects as may increase productivity within the City government.
- (k) Carry out assignments as delegated by the Mayor;
- (l) Exercise such other powers and responsibilities as may be required to efficiently and effectively administer the City government on a day-to-day basis;

- (m) Serve as the administrative head of all of the departments within the City government and all department heads and employees of the City shall be administratively responsible to him in the exercise of his duties herein;
- (n) Attend all meetings of the City Council unless specifically excused and recommend for adoption such measures as he shall deem expedient;
- (o) Hold regular office hours at the City offices and be responsible for the efficient resolution of problems arising in the course of governmental business carried on by the City.
- (p) Resolve actual and potential conflict amount departments of the City government and maintain harmony conducive to proper functioning of the City Administration.
- (q) Plan, direct and control, under the direction of the Mayor, the administrative affairs of the City.
- (r) Keep all original copies of official records pertaining to the office of City Administrator in the City Hall and not remove such records therefrom. The Administrator shall also, within five (5) days of notification or request, deliver to his successor in office all properties, books and effects of every description in his possession belonging to the City or appertaining to his office. Any refusal to do so shall be deemed a misdemeanor.

6-3-3. Qualifications.

- (a) The City Administrator need not be a qualified elector or resident of Sandy City.
- (b) The City Administrator shall serve for an indefinite term of office except that he shall be reappointed as required for other appointive offices by state statutes.
- (c) The City Administrator shall serve until such time as he may be removed by the Mayor.
- (d) The City Administrator shall be appointed on the basis of the following minimum qualifications which shall include, but not be limited to:
 - (1) Education: A Bachelor's Degree and a Master's Degree in public administration or related areas of study. Experience may be substituted on a year for year basis to fulfill the education requirements of the Master's Degree.
 - (2) Experience: 5 years experience in public administration or related fields of administration.
 - (3) Knowledge: A knowledge of public administration theory and practice; administrative organization, and municipal laws, ordinances and regulations.

6-3-4. Relationship with City Council.

The City Administrator, acting in the capacity of the Administrator of the day-to-day affairs of the City government, shall be directed in such administrative activity by the Mayor. Any request from members of the City Council for the City Administrator to perform research, administrative or other governmental services shall not be made directly to the City Administrator, but shall be made after consultation with and approval of the Mayor. This requirement for consultation with and approval of the Mayor shall not include those requests by members of the City Council to the City Administrator which may require a nominal amount of administrative effort or time.

Chapter 4 DEPARTMENTAL ORGANIZATION

6-4-1. Definitions.

The following terms shall, for the purposes of this Administrative Code, be defined as follows:

- (a) Department: The designation within the organizational structure of the administrative branch of city government which groups a broad classification of similar functions, services and duties.
- (b) Division: A designation within the organizational structure of a department which groups similar functions, services and duties.
- (c) Bureau: A designation within the organizational structure of a division which specifies a limited range of similar functions and duties. A bureau may also be known as a "service" or "office."

6-4-2. Principles of Departmental Organization.

- (a) The departments as herein set forth shall become a part of the Administrative Code and thereafter be considered a part of the organizational structure of the administrative branch of the City government.
- (b) The divisions and services which may, from time to time, be made a part of the several departments herein specifically described shall be made a part of the departmental structure by the Mayor, upon recommendation of the City Administrator. Notwithstanding their inclusion as part of this original code, divisions, bureaus and services may be added, modified or removed at the sole discretion of the Mayor to allow for administrative flexibility and to provide for the changing needs of the City.
- (c) A designation of any department, division, bureau or service or office shall not assure staffing for any such portion of the administrative organization, but all staffing of the positions created by the sections of this Administrative Code and by the Mayor as an exercise of the power granted to him by this Administrative Code shall be subject to the limitations and requirements of applicable budget and fiscal appropriations.

6-4-3. Appointed Officers.

- (a) The following officers occupy appointed positions within the administrative branch of City government and the employment standards and job descriptions pertaining to such appointed officers shall be created, modified and implemented by the Mayor upon the recommendation of the City Administrator:

- (1) City Administrator
 - (2) City Recorder
 - (3) City Treasurer
 - (4) Director of Public Works
 - (5) City Attorney
 - (6) Director of Administrative Services
 - (7) Chief of Police
 - (8) Fire Chief
 - (9) Director of Community Development
 - (10) Director of Parks and Recreation
 - (11) City Engineer
 - (12) Director of Public Utilities
- (b) All appointments to the position of department head or to other appointive office as required by state law shall be made by the Mayor, upon the recommendation of the City Administrator and after advice and consent of the City Council.
- (c) All department heads and other appointed officers shall keep all original copies of official records pertaining to their office within the public buildings in which their official office is maintained and shall not remove such record therefrom. Such department heads and appointed officials shall also, within five (5) days of notification or request, deliver to their successor in office all properties, books and effects of every description in their possession belonging to the City or appertaining to their office. Any refusal to do so shall be deemed a misdemeanor.

6-4-4. Designation of Departments and Department Heads Thereof.

The following shall be departments within the administrative or executive branch of City government and the appointed officials as herein designated shall act as department heads and be responsible for the administrative direction of the respective departments:

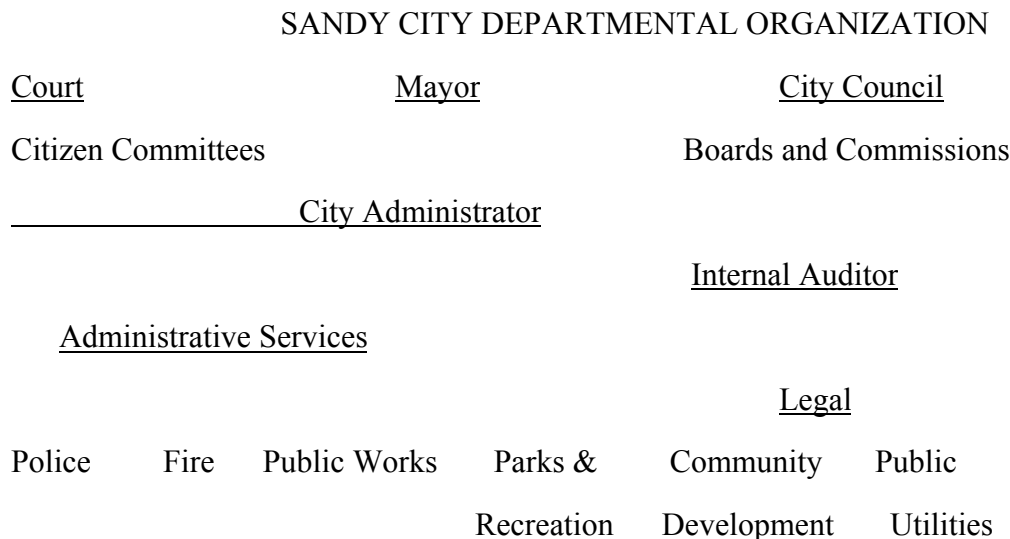
- (a) The Department of Administrative Services shall be headed by the Director of Administrative Services.
- (b) The Legal Department shall be headed by the City Attorney.
- (c) The Police Department shall be headed by the Chief of Police.
- (d) The Fire Department shall be headed by the Fire Chief.
- (e) The Department of Public Works shall be headed by the Director of Public

Works.

- (f) The Department of Parks and Recreation shall be headed by the Director of Parks and Recreation.
- (g) The Department of Community Development shall be headed by the Director of Community Development.
- (h) The Department of Public Utilities shall be headed by the Director of Public Utilities.

6-4-5. Organizational Responsibility.

The following diagram graphically displays the organizational responsibility within the executive branch of City government.



6-4-6. Departmental Functions and Duties of Appointed Officers.

- (a) Department of Administrative Services.
 - (1) Functions. The Department of Administrative Services is designed to consolidate the majority of staff functions within the General Fund. Its purpose is to place the support services of the City under one head as a means of facilitating coordination and control. The Department shall be responsible to provide for central support required by all City operations which shall include, but not be limited to, the following:
 - A. Finance: Budget preparation and control, purchasing, billing, accounts receivable and payable, general ledger accounting and payroll, financial management and reporting.
 - B. Information Services: Records management, community services, clerical support and internal telephone system.

- C. Management Services: Data processing, research, special management reports and data center. The data center will accumulate, organize, store and disseminate official City information. No data will be considered as "official City information" unless it has been formally approved.
 - D. Personnel: Recruiting, administration of the personnel ordinance and such other personnel functions as may be necessary for the proper operation of the City.
 - E. Building Maintenance: Operation and maintenance of the City Hall facility.
- (2) Duties of Director of Finance: There is hereby established for Sandy City the position of Director of Finance. The position of Director of Finance shall be assigned to the Department of Administrative Services and shall be under the direction of that Department. The Director of Finance shall be appointed, with the advice and consent of the City Council, by the Director of Administrative Services. The Director of Finance shall not, at any time, assume the duties of City Treasurer or of the City Financial Officer. The Director of Finance shall perform the following duties:
- A. Supervise all financial accounting activities within the City.
 - B. Advise all department heads with regard to fiscal policy.
 - C. Manage City investments.
 - D. Supervise debt administration.
 - E. Assume responsibility for the preparation of internal, annual and other financial reports as required by law or City policy.
 - F. Assume responsibility for the auditing of all financial claims made against the City to determine if such claims have been properly processed in accordance with City and state requirements.
 - G. Assume responsibility for determining whether proper approval has been obtained prior to the processing of any claim against the City for final payment.
 - H. Assume responsibility for supervision of the Purchasing and Inventory Control systems as established by City ordinance and resolution.
 - I. Assure compliance with the provisions of the Uniform Accounting Manual for Utah Cities.
 - J. Perform such other duties as may be required by the Mayor, City Administrator or department heads and at all times remain consistent with City ordinance and state statute.

- (3) Duties of the City Recorder. There is hereby established for Sandy City the position of City Recorder, which position shall be assigned to the Department of Administrative Services and shall be under the direction of that Department. The City Recorder shall perform the following duties:
- A. Keep the corporate seal and all official papers and records of the City.
 - B. Seal and attest all legal documents of the City. Any contract(1) made on behalf of the City or to which the City is a party shall be void and of no force and effect against the City unless attested to by the Recorder.
 - C. Cause copies of all deeds, contracts, leases or other documents evidencing the conveyance of any interest in real estate, granted by the City, to be recorded and a copy of all such documents to be delivered to the appropriate City officer before being delivered to the grantee; provided, that if it is impractical to record said deed or other documents with the County Recorder before such delivery, that a true executed copy thereof shall immediately be recorded upon the receipt thereof.
 - D. Notify the appropriate City officer of the final acts which pertain to the purchase, sale, transfer, lease or encumbrance of any real estate in which the City has an interest.
 - E. Certify to copies of papers filed in the office of the City Recorder, and to transcripts from all records of the City Council and Mayor, so that such copies and transcripts shall be evidence in all courts, as if the original were produced.
- (4) Duties of the City Treasurer. There is hereby established for Sandy City the position of City Treasurer, which position shall be assigned to the Department of Administrative Services and shall be under the direction of that Department. The City Treasurer shall perform the following duties:
- A. Supervise the collection of all taxes, assessments, fines, forfeitures, service charges, licenses, fees, and other revenues of the City, as provided for by applicable laws and ordinances and in the manner so prescribed in the same.
 - B. Be responsible for the disposition of City revenues.
 - C. Make all disbursements of funds of the City, subject to budget appropriations.
 - D. Cause an accurate and detailed accounting of all transactions, receipts, disbursements and other matters to be maintained.
 - E. Maintain legally required balances in sinking fund accounts and special improvement district guarantee fund accounts.

- F. Assume direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.

(b) Legal Department.

The City Attorney shall be the chief legal officer of the City and shall be responsible to the Mayor and City Administrator for the proper administration of the legal affairs of the City. Said attorney, or his designated assistants, shall have the following functions and duties:

- (1) Prosecute all charges of violation of municipal ordinances and regulations in the courts or administrative tribunals and prosecute and defend, or supervise the prosecution and defense, of all actions and appeals involving the City in all courts and before all boards, commissions and administrative agencies.
- (2) Attend all Council meetings, unless specifically excused therefrom.
- (3) Furnish legal advice, counsel and assistance to the Mayor, Council and all other City officers, boards, commissions and agencies, in relation to their duties and the business of the City.
- (4) Control and direct all legal services performed by special counsel for the City, who may be retained from time to time to assist the City Attorney in providing legal services for the City.
- (5) Assume direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.
- (6) Prepare or review all proposed ordinances and resolutions presented to the Mayor or City Council.
- (7) Approve the form of all contracts entered into by the municipality.
- (8) Prepare the necessary affidavits and verification on behalf of the City in any and all proceedings.

The foregoing notwithstanding, the City Attorney shall not act, either personally or by his deputies, as both a prosecutor or advocate before and as an advisor to any administrative department, board, commission, or agency of the City. In cases where such a conflict shall arise, special counsel may be funded and appointed by the affected department, board, commission or agency. Any such special counsel shall not be subject to the control or direction of the City Attorney in such matter, and shall provide the legal service to the affected entity which cannot be provided by the City Attorney.

(c) Police Department.

- (1) Functions: The Police Department and its Chief, by and through its sworn officers, shall be responsible for:
 - A. Preserving the public peace by planning for enforcement of the laws of the City.
 - B. Preventing crime with a major effort toward the adoption of programs for crime prevention.
 - C. Detecting and arresting criminal offenders.
 - D. Protecting the rights of persons and property.
 - E. Regulating and controlling motorized, bicycle and pedestrian traffic, with a major emphasis on the adoption of programs to prevent traffic accidents.
 - F. Training of sworn personnel.
 - G. Providing and maintaining police records and communication systems.
 - H. Supervising all functions of animal control as required by City ordinance.
- (2) Powers and Duties: The Chief of Police, acting by himself or the sworn officers of the Police Department, shall:
 - A. Execute and return all writs and processes as directed by a court of competent authority. In criminal cases, quasi-criminal cases, or cases in violation of City ordinances, he may serve the same in any part of Salt Lake County.
 - B. Suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the City, and pursue and arrest any person fleeing from justice in any part of the State.
 - C. Apprehend any persons in the act of committing any offense against the laws of the State or ordinances of the City and bring such persons before a circuit judge, or other competent authority, for examination and trial consistent with law.
 - D. Have like powers and be subject to like responsibilities as sheriffs or constables in similar cases.
 - E. Be responsible for the prevention of accidents, crime and other incidents prohibited by statute or ordinances.
 - F. Be responsible for the protection of life and property, all pursuant to and as provided by statute and ordinance.
 - G. Assume direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and

applicable statute and ordinances.

- (3) Bail Commissioners: Bail commissioners, in the event that the same shall be appointed for service within Sandy City, pursuant to 10-3-920, U.C.A(2), as amended, or its successor statute, shall be supervised by the Police Chief.

(d) Fire Department.

The Fire Department and its Chief, acting by and through its sworn officers, shall be responsible for the:

- (1) Development and administration of public education and fire prevention programs.
- (2) Inspection of buildings, vacant fields, fire hydrants and proposed building plans.
- (3) Development, administration and enforcement of all applicable state and City laws, ordinances, code and regulations pertaining to:
 - A. The prevention fire hydrants and proposed building plans.
3. Development, administration and enforcement of all applicable state and City laws, ordinances, code and regulations pertaining to:
 - A. The prevention and extinguishing of fires.
 - B. The storage and use of explosives and flammables.
 - C. The maintenance and regulation of fire escapes and fire extinguishing apparatus.
 - D. The means and adequacy of building exits.
- (4) Investigation of the causes, origins and circumstances of fires.
- (5) Development and operation of emergency fire alarm and communications systems.
- (6) Provision of fire rescue and emergency services.
- (7) Maintenance of an emergency medical program.
- (8) Protection of life and property.
- (9) Direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.

(e) Department of Public Works.

- (1) Functions: The Department of Public Works shall have charge and be

responsible for the:

- A. Supervision of the design, construction, operation and maintenance of the public works of the City, including streets, parkways, sidewalks, drainageways, traffic control devices, street lighting, and similar public ways and facilities.
 - B. Functions performed by virtue of ordinance and statute by the City Engineer and for the engineering records, which shall include certified copies of field notes, maps, plats, drawings, deeds, dedications, final estimates, specifications, streets, sidewalks, and other engineering work.
 - C. Operation of the City vehicle fleet.
 - D. Supervision of the design, construction, operation and maintenance of the flood control system within Sandy City.
 - E. Design and construction of non-utility capital improvements projects constructed within Sandy City.
 - F. Promotion of the efficient and safe usage and the future development of the City's transportation network through transportation engineering techniques in accordance with the master plan of the City.
- (2) City Engineer. The position of City Engineer shall be under the direction of the Director of the Department of Public Works. The City Engineer shall be a registered professional engineer within the State of Utah and shall have graduated, as a minimum requirement, with a B.S. or M.S. degree from an accredited four year college. The City Engineer shall be responsible for the:
- A. Review, supervision and acceptance of all engineering and architectural design, and construction work required by or for the City, except as otherwise assigned to other departments or officers of the City.
 - B. Coordination and supervision of all construction work done within the public rights of way of the City.
 - C. Maintenance of records of public improvements as prescribed by State statute, including but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications and contracts.
 - D. Direction of assistants and employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.
- (f) Department of Public Utilities.
- (1) Functions: The Department of Public Utilities shall have charge and be responsible for:

- A. Supervision of the design, construction, (in cooperation with City Engineer), and operation and maintenance of utilities of the City, including, but not limited to, culinary water, irrigation water, storm drains, flood control systems, and other public utilities.
 - B. Promotion of efficient, safe and usable municipal utilities, and the future development of the City's utilities through proper management and operational techniques, and through the proper education of the City's residents.
 - C. Development and acquisition of utility rights, properties, shares, interests, etc., which currently exist, or which may have reason to exist for the benefit of the City's residents.
 - D. Coordination of all aspects of utilities within the City, including, but not limited to, master planning, conjunctive management with other utilities both public and private, site selection, design, construction, maintenance, and operation.
 - E. The director of the department of public utilities may approve, with the consent of the City Council, an alternative to the requirement of placing existing utility lines underground on a temporary basis, upon finding that burial is currently impractical and would be best accomplished as part of a future large-scale project. The director may also approve an alternative to the requirement of placing new and existing utility lines underground on Utah State highway projects, upon such findings by the director.
- (2) Utility Engineering: Under the direction of the City Engineer, the Department of Public Utilities engineering section shall be responsible to:
- A. Review, supervise and accept all engineering and architectural design, and construct utility facilities required by or for the City.
 - B. Coordinate and supervise all utility construction work within the public rights of way of the City.
 - C. Maintain records of utility improvements as prescribed by State statute, including but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts.
 - D. Direct assistants and employees of the office, subject to the limitation and requirements of the budget appropriations, and applicable statute and ordinances.
- (g) Department of Parks and Recreation.

The Department of Parks and Recreation is responsible to operate, schedule and maintain all landscaped areas owned by the City. These include parks, cemetery

and public grounds. The Department of Parks and Recreation is also responsible to organize, direct and provide recreational programs for City residents. The Director of the Department of Parks and Recreation must assume the direction of assistants and employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.

(h) Department of Community Development.

- (1) Functions: The Department of Community Development and its Director shall have charge of and be responsible for:
 - A. Providing the assistance necessary to the Administration, City Council and Planning Commission in the development of the City's master land use and public facility plan.
 - B. The development, administration and enforcement of all attendant laws, codes, ordinances and relative regulations, including but not limited to future land use plans, zoning ordinances, subdivision regulations, and building and housing codes intended to serve the implementation of said plans.
 - C. Administration of their functions and duties in such a manner as to assist the Administration, City Council and Planning Commission to:
 - I. Facilitate, in conjunction with the Engineering Division, the lessening of congestion in the City's streets and roads.
 - II. Direct the details of the design, construction, alteration, occupancy, use, repair, and maintenance of buildings, structures, and certain equipment therein.
 - III. Provide for adequate light and air.
 - IV. Classify land uses.
 - V. Protect the tax base.
 - VI. Secure economy in government expenditures by proper land use planning.
 - VII. Foster the City's industrial, business and residential development.
 - VIII. Provide for residential rehabilitation.
 - D. Direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.
 - E. Direction of the Division of Building and Safety.

- (2) Boards and Commissions: The following boards and commissions are hereby established for Sandy City and their organization, duties and powers are outlined elsewhere within the Revised Ordinances of Sandy City. These boards and commissions shall, where appropriate, coordinate with the executive branch of City government through the Director of Community Development, the Mayor and the City Administrator.
- A. Planning and Zoning Commission.
 - B. Board of Adjustment.
 - C. Board of Appeals.

Chapter 5 STANDARDS OF PROFESSIONAL ADMINISTRATION

6-5-1. Purpose.

The purpose of this chapter is to set forth certain standards of professional administration which shall consist of principles and guidelines which shall be used by administrative staff in the performance of service to the City government.

6-5-2. Adherence to Standards.

The standards as established by the provisions of this chapter shall be followed and willful violation of any provision set forth herein or of any provision amendatory to this chapter and properly adopted as set forth herein shall be grounds for termination and/or other disciplinary action.

6-5-3. Standards of Professional Administration.

- (a) In order to facilitate the decision-making process by elected officials, all analysis and recommendations submitted by members of the administrative staff should include available relevant information and the projected implications of that information. Information presented by the administrative staff in their analysis and recommendations shall not be altered, deleted or amended in an attempt to support a particular bias or point of view.
- (b) Analysis and recommendations by administrative staff to elected officials shall be based upon professional principles and practices. Such recommendations shall identify potential political consequences which may be raised by the analysis or recommendation, but the administrative staff shall leave judgments as to the effect and importance of such political consequences to the sole discretion of the elected officials.
- (c) Analysis and recommendations to elected officials should present a spectrum of alternatives with justification for each recommendation presented. Such analysis should include both service impacts and economic implications where available and applicable.
- (d) Employees shall not publicly criticize elected officials for policy decisions except in those extraordinary situations where an imperative justification for public criticism exists. In the event that the employee has particular concerns based upon professional principles and practices in regards to a decision made by an elected official(s), those concerns and any objections to the initial decision by the elected official(s) should be made in a public meeting and as a part of the permanent record of that meeting.

- (e) Departments within the City government should be operated as efficiently and effectively as possible within the limits of financial and other policy constraints as may from time to time be imposed. Department heads are expected to operate at or above the adopted level of service delivery while remaining at all times within budget allocations.
- (f) All departments shall be operated in a manner allowing the exercise of individual discretion within the parameters of the appropriate statutes, ordinances and policies, procedures and philosophies as adopted by the elected officials and City Administrator.
- (g) All employees shall have the duty to notify the appropriate administrative officials of any illegal or unethical actions on the part of public employees, administrators or elected officials.
- (h) All employees shall attempt to provide fair and unbiased treatment of all residents of Sandy City.

Chapter 6 ADMINISTRATIVE RULE-MAKING

6-6-1. Grant of Authority.

- (a) There is hereby granted to the Mayor and City Administrator of Sandy City the authority, consistent with the procedures outlined in this chapter, to adopt rules to allow for the implementation of the provisions of the ordinances of Sandy City and the policies adopted from time to time by the Sandy City Council.
- (b) There is hereby granted to the department head the authority and power to prescribe rules consistent with general law, the municipal administrative code or other conditions of the City. Such power to adopt rules shall be limited to procedural and interpretive rules which do not apply to the general public nor any portion of the executive branch other than to the particular department by which the rule is adopted.

6-6-2. Rules and Rule-Making.

- (a) The authority to adopt rules is extended to cover the following areas:
 - (1) **Procedural Rules:** Rules adopted by the executive branch of City government to provide guidelines for the day-to-day operation of that branch and to establish a framework for operations among the various City departments. Copies of procedural rules adopted by the executive branch shall be given to the City Council within ten (10) days of their adoption.
 - (2) **Interpretive Rules:** Rules adopted as a statement by the executive branch of its understanding of and basis for interpretation of ordinances and policy declarations made by the City Council. Interpretive rules adopted by the executive branch shall be given to the City Council within the ten days of their adoption.
 - (3) **Legislative Rules:** Rules adopted by the executive branch to implement the ordinances and policy declarations adopted by the City Council, which rules may apply to both the personnel serving in the executive branch and to the general public.
- (b) Rules adopted pursuant to the authority of this chapter shall be adopted in conformance with the following general principles:
 - (1) Notice of the proposed rule shall be given, insofar as is practical and consistent with principles of good management, to all parties affected by the proposed rule.
 - (2) Participation by affected parties, through oral and written comment, shall be solicited prior to the formal adoption of any rule. Such participation shall

include an opportunity for comment from the Mayor, City Administrator and members of the Mayor's executive cabinet.

- (3) Rules adopted in a tentative form may be published, either by the posting thereof in a public place or by publication of a short summary thereof in a newspaper of general circulation, prior to their formal adoption and implementation. Upon the effective date, the tentative rule shall be implemented unless action is taken by the Mayor or City Administrator to postpone the implementation of such rule.

6-6-3. Procedural and Interpretive Rules.

- (a) The City Administrator shall circulate copies of proposed procedural and interpretive rules to affected department heads.
- (b) The circulation of a proposed rule shall include an invitation to interested parties to submit comment, in either oral or written form, to the City Administrator within ten (10) working days of the date of the original proposal.
- (c) The proposed rule, and comment thereon, shall be considered at the Mayor's cabinet meeting.
- (d) The rule, in a tentative form, shall be acted upon at the Mayor's cabinet meeting after the receipt and consideration of oral and written comment thereon.
- (e) In the event a tentative rule shall be adopted, and a date shall be established upon which the rule shall become effective.
- (f) The City Administrator shall adopt a procedure whereby the provisions of the tentative rule, including the date upon which the rule shall become effective, shall be distributed to the affected departments and members of the public.

6-6-4. Legislative Rules.

- (a) The City Administrator shall circulate proposed rules to affected departments.
- (b) The City Administrator may, in his discretion, require a one or two page impact statement which shall include, but not be limited to, the following information in a format as approved by the City Administrator:
 - (1) Current practices which are similar to those proposed in the rule;
 - (2) The impact which will result from the adoption of the rule;
 - (3) The needs or purposes for which the rule is designed;
 - (4) An analysis of any burdens or costs which will be created by the adoption of the rule.
- (c) The City Administrator shall provide for notice of the proposed rule to be

provided to the public.

- (1) Notice of the proposed adoption of legislative rules shall be posted in the Sandy City Hall.
 - (2) Provide a copy of the proposed legislative rule to the City Council.
 - (3) In the event that the City Administrator shall determine it to be in the best interests of the City, a short summary of the proposed rule shall be published in a newspaper having general circulation within Sandy City.
 - (4) All notices published and posted shall invite oral and written comment within a time frame as established by the City Administrator.
 - (5) In the event that a proposed rule shall be thought to affect a particular segment of the public, notice shall be given, in the manner most practical considering the particular situation, to those affected parties.
- (d) The adoption of legislative rules shall allow for participation of affected parties within the following minimum guidelines:
- (1) The Mayor and City Administrator may, in their discretion, unless specifically directed otherwise by the City Council, adopt procedural rules to be followed with regard to the acceptance of oral and written comment. Such procedural rules may establish limitations upon the time allowed for such oral comment, the type of presentation of information allowed and such other procedural rules as may promote the participation of the interested parties, while balancing the interests of economy and the efficiency of governmental operation.
 - (2) Legislative rules shall be passed only after comment and hearing thereon in accordance with procedural rules as just previously described and after presentation as an agenda item in the Mayor's cabinet meeting.
 - (3) A tentative rule shall be adopted in written form as a part of the formal agenda process in the Mayor's weekly cabinet meeting.
- (e) Tentative rules, as adopted as just previously set forth, shall be published and notice thereof given in the following manner:
- (1) The tentative rule shall be posted in City Hall at least twenty (20) days prior to the effective date thereof.
 - (2) The tentative rule may, in the discretion of the Mayor and City Administrator, be published in summary form in the Sandy City Newsletter/or in a newspaper of general circulation within the community.
 - (3) Tentative rules shall include an effective date and such rules shall then become effective unless action is taken by the Mayor or City Administrator to

postpone the implementation of such rule.

6-6-5. Emergency Rule-Making

- (a) The Mayor and City Administrator are hereby granted the authority to adopt rules having an immediate effective date in those cases when the Mayor or City Administrator shall determine that an emergency exists and that such rule is necessary for the proper functioning of the City government in view of such emergency condition.
- (b) Upon the adoption of a rule pursuant to the emergency provisions of this chapter, the said rule shall then be considered through the formal procedures as outlined elsewhere in this chapter as soon as practicable, but no later than thirty (30) days after the date of the original adoption of the emergency rule.

6-6-6. Appeals.

Appeals from the application of any of the rules adopted pursuant to the provisions of this chapter shall be made in the following manner:

- (a) The petitioner shall submit to the City Administrator a written statement of appeal at least ten (10) days prior to any hearing to be held as a result of such appeal.
- (b) The City Administrator shall circulate copies of the written appeal made by the petitioner to affected departments within the City and those departments shall submit to the City Administrator a written reply, with a copy of such reply given to the petitioner, to the appeal at least three (3) days prior to a hearing which may be held as a result of the appeal.
- (c) Notice of a hearing date shall be sent to the petitioner by regular mail.
- (d) Appeals from rules adopted shall be heard at a regular session of the Mayor's cabinet meeting. It shall be conducted by the Mayor or City Administrator. The person hearing such appeal, whether the Mayor or City Administrator, shall:
 - (1) Present questions regarding factual matters that may be raised by the written statements of the petitioner and staff members.
 - (2) Conduct the meeting in conformance with rules which may be adopted from time to time to govern the conduct of such appeal hearings.
 - (3) Shall make written findings as to the facts existing with regard to the particular appeal.
 - (4) Shall make particular conclusions (in writing) with regard to the application of the law to the facts as previously set forth.
 - (5) Shall make a ruling in view of the findings and conclusions as determined to exist. Such ruling may be made at the close of the hearing or may be tabled

for such period of time as may be necessary to arrive at a fair and just determination.

- (e) Upon the completion of the hearing and the adoption of a written ruling containing particular factual findings and conclusions, the City Administrator shall notify the petitioner in writing of the final determination of the appeal made. Such notice given to the petitioner shall include:
 - (1) A statement of the basis upon which the decision was made.
 - (2) Particular instructions to the petitioner as to how the particular decision shall be implemented.
- (f) The Mayor and City Administrator may, in view of a decision rendered as a result of a particular appeal, consider changes to the general rules and regulations as previously adopted.
- (g) Copies of all rulings or decisions made as a result of an appeal shall be made part of the public record and shall be made publicly available unless such ruling applies to personnel or other confidential matters.

Chapter 7 PERSONNEL

6-7-1. Scope.

This chapter shall create and establish a comprehensive personnel management system for Sandy City.

6-7-2. Statement of Policy.

The following principles and policies are hereby established.

- (a) Employment and promotion in the City Government shall be based on merit and fitness, free of personal and political considerations, and in no way being influenced by religion, age, race, creed, color, sex, national origin, ancestry, or other non- job related factors.
- (b) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City Government.
- (c) The system shall provide the means to recruit, select, develop and maintain an effective and responsive work force, and shall provide plans for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities.
- (d) Tenure of employees covered by the personnel management system shall be subject to good behavior, satisfactory work performance, the necessity for performance of the work and the availability of funds.
- (e) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- (f) Appointments, promotions, and other actions requiring the application of the merit principle shall be based on systematic tests and/or evaluations.
- (g) The maintenance of high morale shall be achieved by fair and just administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interest of the public and the City.

6-7-3. Employee Grievance Board.

- (a) The Employee Grievance Board for non-public safety classified employees shall investigate, hear, advise concerning and review incidents involving covered City personnel when requested to do so by either the employee(s) directly involved, the department head or the City Administrator.

- (b) The Employee Grievance Board shall be composed of five (5) members. Two of the members shall be representatives of the Sandy City Administration and shall be appointed by the City Administrator. Two members shall represent the Sandy City employees and shall be elected by all City employees, excluding public safety employees. One member of the Board shall be appointed by the Mayor, and such appointee shall be a resident of the City. All members of this Board shall be voting members and they shall choose from among their body one member to act as Chairperson. The member chosen to act as Chairperson shall do so to assure the orderly conduct of all proceedings and shall not forfeit any right, duty or privilege as a result of being chosen to act as Chairperson.
- (c) The terms of the Employee Grievance Board shall be for a period of two (2) years and such appointment shall be made so as to achieve overlapping terms of the members. All Board members shall be eligible for reappointment. The Board shall adopt its own rules and regulations. Three (3) members of the Board in attendance at any meeting shall constitute a quorum and the Board shall not take any action on any matter unless a quorum shall be present. Each action taken by the Board shall require a majority vote of the quorum in attendance, but shall never be based upon less than three concurring votes.
- (d) In the event that a written record or transcript of any proceedings of the Employee Grievance Board is requested, it shall be the duty of the party requesting any such record or transcript to provide for the preparation of such record or transcript and the party so requesting shall be responsible for all costs involved therewith.
- (e) The Employee Grievance Board shall have the power to subpoena witnesses and compel the production of books, papers, and any other evidence as may be relevant to any investigation, hearing or decision.
- (f) The Board shall render all decisions within thirty (30) days of the date of the final hearing and all such decisions shall be in written form. The decision shall include the reasoning and conclusions of the Board as they relate to the decision and may include minority reports. All votes cast as part of the final decision shall be done by secret ballot.
- (g) A final decision of the Employee Grievance Board may be appealed by an affected party. Such appeal shall be made to the Personnel Board in writing within ten (10) days of the rendering of a final decision by the Employee Grievance Board.
- (h) No provision of this section shall apply to any public safety classified employee.

6-7-4. Public Safety Review Boards.

- (a) The Sandy City Police Department and Sandy City Fire Department shall each establish a Review Board to investigate, hear, advise concerning and review incidents involving personnel of the respective Police and Fire Departments when

requested to do so by either the employee(s) directly involved, the Chief of the department, or by the City Administrator.

- (b) The Review Board shall be composed of five members. Two of the members shall be departmental representatives and shall be appointed by the Chief of the department; one of these departmental representatives shall be of the grade of a first-line supervisor or above and the second representative shall be of the grade of a second-line supervisor or above. One member of the Board shall represent the employees of the department and shall be elected by those employees. One member shall be appointed by the Mayor, and such appointee shall be a resident of the City. The fifth member of the Board shall be appointed by the City Administrator. All members of this Board shall be voting members and they shall choose from among their body one member to act as Chairperson. The member chosen to act as Chairperson shall do so to assure the orderly conduct of all proceedings and shall not forfeit any right, duty, or privilege as a result of being chosen to act as Chairperson.
- (c) The terms of the members of the respective public safety review boards shall be for a period of two years and such appointment shall be made so as to achieve overlapping terms of the members. All Board members shall be eligible for reappointment. The Board shall adopt its own rules and regulations. Three (3) members of the Board in attendance at any meeting shall constitute a quorum and the Board shall not take any action on any matter unless a quorum shall be present. Each action taken by the board shall require a majority vote of the quorum in attendance, but shall never be based upon less than three concurring votes. The Personnel Director shall be present at all hearings and shall serve as an advisor with regard to City personnel policies and shall not be a voting member.
- (d) In the event that a written record or transcript of any proceedings of a public safety review board is requested, it shall be the duty of the party requesting any such record or transcript to provide for the preparation of such record or transcript and the party so requesting shall be responsible for all costs involved therewith.
- (e) A public safety review board shall have the power to subpoena witnesses and compel the production of books, papers and any other evidence as may be relevant to any investigation, hearing or decision.
- (f) The Board shall render all decisions within thirty (30) days of the date of the final hearing and all such decisions shall be in written form. The decision shall include the reasoning and conclusions of the Board as they relate to the decision and may include minority reports. All votes cast as part of the final decision shall be done by secret ballot.
- (g) A final decision of the Public Safety Review Board may be appealed by an affected party. Such appeal shall be made to the Personnel Board in writing within ten (10) days of the rendering of a final decision by the Public Safety

Review Board.

6-7-5. The Personnel Board.

- (a) **Composition:** The Personnel Board shall consist of five (5) members who shall be appointed by the Mayor, with the advice and consent of the City Council. The members of the Board shall be persons in sympathy with the application of merit principles to public employment. Each member of the Personnel Board shall be a resident of Sandy City and shall serve for a term of five (5) years. All members shall be subject to removal by the Mayor for cause. In this case, a successor will be appointed for the remainder of the term. Initial appointments to the Board shall be such as to achieve overlapping terms on the Board. No officer or employee of the City shall be eligible for appointment as a member of the Personnel Board. Vacancies on the Personnel Board shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The Personnel Board, at its first regular meeting of each year, shall select a Chairperson to serve one year who shall receive and coordinate all notices, hearings or appeals, requests, complaints and other official business of the Board.
- (b) **Meetings:** Regular meetings of the Personnel Board shall be held at least semi-annually and special meetings may be called by the Chairperson, allowing time for proper notification to all members. The time set for regular meetings will be posted in all City buildings. Three (3) members shall constitute a quorum for official business and all actions of the Board shall require a majority vote of the quorum in attendance, but shall never be based upon less than three concurring votes. All meetings shall be open to the public except those grievance or ethics hearings where the City or the employee has requested a closed hearing. The Board shall also have the power to close a meeting where it deems it to be in the interest of the City.
- (c) **Policies:** The Personnel Board shall advise the Mayor and City Council, the City Administrator, the Personnel Director and/or the Department Head on matters of personnel and ethics policies and problems and shall make determinations and recommendations on employee grievances and appeals not resolved through the Employee Grievance Board or the Public Safety Review Board. Final conclusive appeal rests with the Mayor should the Mayor decide to review the matter. In the event that the Mayor decides not to review the matter, then the Personnel Board ruling is deemed final and conclusive. An appeal to the Mayor maybe requested by either the employees directly involved or the City Administrator.
- (d) **Investigations and Hearings:** The Personnel Board, in carrying out its appellate function, may request any reports or records it deems necessary, allowing City departments reasonable time to comply with such requests. The Personnel Board shall have the power to hear, investigate, review, overturn or otherwise redirect a case and in the exercise of each power shall have authority to subpoena witnesses and compel the production of books, papers and any other evidence as may be

relevant to any such investigation, review, hearing or decision. In addition, the Personnel Board shall be advised by the City Attorney's office in all legal matters. When the City Administrator or Personnel board determines that the department head shall be represented by counsel, the City Attorney's office shall serve in this capacity and the Personnel Board shall be advised by an attorney retained specifically for that purpose.

6-7-6. Personnel Director.

The Personnel Director of Sandy City shall be responsible for the administration and technical direction of the City's personnel management system. The Personnel Director shall be appointed by the Mayor upon the recommendation of the City Administrator, with the advice and consent of the City Council. He shall be covered by the personnel system and the rules and regulations thereof, with the exception that he shall be considered as a department head solely for the purposes of initial appointment and termination. He will report directly to the Director of Administrative Services and be subject to the duties and guidance of that department head in the fulfillment of his duties. His duties shall consist of the following:

- (a) To administer with assistance and advice of the Mayor, City Council and City Administrator, the personnel management system as set forth in this ordinance, and the rules and regulations adopted hereunder. Also, to prepare, recommend, and enforce policies and procedures for personnel administration.
- (b) To encourage and exercise leadership in the development of an effective personnel administration within all departments of the City Government.
- (c) To advise the City Administrator, Mayor and Council with regard to utilization of personnel resources throughout the City.
- (d) To foster and develop programs for the improvements of employees' effectiveness, including training, safety, health counseling and other personnel areas.
- (e) To establish and maintain comprehensive personnel records of all employees in the municipal service.
- (f) To prepare, recommend, and maintain a position classification plan for all positions in the municipal service based on the level and difficulty of duties performed and responsibilities assumed.
- (g) To prepare and recommend to the City Council an equitable pay plan for all municipal employees.
- (h) To direct the procedures for recruitment, testing, selection and hiring of all City employees, which shall be accomplished in accordance with written standards established by the Personnel Department, which standards shall have been presented to the City Council for their review and comment. This includes the preparation and administration of competitive assembled and unassembled

examinations whenever practicable, for all original appointments and promotions in the City service subject to testing, in conjunction with the appropriate department head.

- (i) To develop and administer plans for the recruitment examination, and placement of persons and to determine the relative fitness of applicants for positions in the career service.
- (j) To establish and maintain eligibility lists for appointment and promotion, upon which lists shall be placed the names of qualifying candidates and to specify and certify, those persons who are categorized as outstanding, well-qualified, or qualified for City position vacancies.
- (k) To develop and administer plans for promotions which give appropriate consideration to each applicant's qualifications, records of performance and abilities in relation to the highest level of work to be performed.
- (l) To develop and administer a program of employee performance evaluations which can serve as a basic factor in such personnel transactions as determining salary increments or increases by meritorious services, promotions, establishing order of lay-offs due to lack of funds or work, reinstatements, discharge or transfers.
- (m) To establish a plan for resolving employee grievances and complaints prior to appeals.
- (n) To coordinate procedures for disciplinary actions such as suspensions, demotions in rank or grade, or discharge, and to provide for presentation of charges, hearings and appeals for all employees.
- (o) To certify all employees for payroll purposes and other benefits.
- (p) To make annual reports to the City Council regarding the condition of the overall personnel management system.
- (q) To compute for budgetary purposes the annual salary costs for all departments.
- (r) To supervise, develop, and maintain personnel systems, forms, procedures, and methods of record keeping and maintain a roster of all persons in the City service.
- (s) To certify the appointment, promotion, demotion, discipline and other actions affecting persons in the Classified City Service.
- (t) To create and implement programs to increase the personnel relation efforts of the City in a positive manner and project a cheerful public image.
- (u) To recommend to the Council contractual arrangements with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.

- (v) To develop, administer and coordinate the training program for City employees.
- (w) To develop and maintain other practices and procedures necessary to the administration of the personnel system.

6-7-7. The Department Head.

The department head shall have the power to appoint, promote, demote, instigate disciplinary action, terminate, evaluate the performance and perform other personnel actions within their particular departments that are consistent with this chapter and the rules and regulations developed hereunder.

6-7-8. Appointment from Certified Lists.

Whenever a vacancy or job opening is to be filled, selections shall be made from a certified list of candidates submitted by the personnel office. Only the most qualified persons will be listed based on the job related tests, examinations, and/or selection techniques. Appointment to the City service shall be made from these certified lists.

6-7-9. Rules and Regulations.

Personnel rules and regulations, or revision thereof, may be adopted by the Mayor and upon such adoption and approval shall be filed with the City Recorder and Personnel Office. They shall be distributed to all City employees and shall be available for public inspection during normal business hours. The rules and regulations will cover specific procedures and policies consistent with policies as established by the City Council to govern the following phases of the personnel system:

- (a) Administration of the classification plan.
- (b) Administration of the pay plan.
- (c) Announcement of employment vacancies and recruitment policies.
- (d) Preparation and conducting of examinations.
- (e) Establishment and use of eligibility lists based on relative fitness of applicants for positions.
- (f) Establishment of promotional policies.
- (g) Certification and employment of persons from employment lists to fill vacancies.
- (h) Performance evaluations of employees including those on probationary status.
- (i) Transfer, promotion, and reinstatement of employees.
- (j) Separation of employees by resignation(3), suspension, dismissal, lay-off and for incapacity to perform required duties.
- (k) Establishment of hours of work, holidays, vacation, attendance and leave

regulations and procedures.

- (l) Outside employment of municipal employees.
- (m) Relations with employee organizations.
- (n) Establishment of a probationary period, not to exceed one year, for all employees prior to final employment.
- (o) Establishment of grievance and appeal procedures.
- (p) Development of employee morale, safety and training.
- (q) Establishment of rules and regulations governing part-time or non-career employees.
- (r) Such other matters as may be necessary to carry out the intent and the purpose of this ordinance.

6-7-10. Acts Prohibited.

- (a) No person shall wilfully make any false statement, certificate, mark, rating or report in regard to an application, test, certification, evaluation, or appointment held or made under the personnel system hereby established, or in any manner commit any fraud or other act for the purpose of preventing a proper or impartial execution of said personnel system.
- (b) No person seeking employment or promotion shall give or pay any money or other thing of value, or render services to any person for, or on account of, or in connection with his test, appointment, proposed appointment, promotion, proposed promotion, or for any other advantage in a position in the career service of the City.

6-7-11. Invalidity of Acts.

Any act which is in violation of the provisions of this chapter is invalid and shall be set aside.

6-7-12. Agreements and Cooperation with other Governmental Agencies.

- (a) The Mayor may, as permitted by law, enter into agreements with any federal, state or local government organization(s) for receipt of grants or services, including material or equipment which is designed to strengthen personnel administration and train municipal employees, or to improve specific access of persons to the personnel system hereby established.
- (b) The Personnel Director, acting in behalf of the City, may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, training personnel, establishing

lists from which eligibles shall be certified for appointment, and for the interchange of personnel and employee benefits.

6-7-13. Employee Organizations.

All employees shall have the right to organize, join and participate or to refuse to organize, join or participate in any employee organization without fear of penalty or reprisal.

6-7-14. City Volunteers.

The rights of City volunteers shall be limited to those established by Chapter 20, Title 67 of state statute. No person shall be considered a City volunteer unless approved in writing by the Mayor or his authorized representative, and by the City's Personnel Director.

Chapter 8 MISCELLANEOUS PROVISIONS

6-8-1. Interpretation of Administrative Code.

This Administrative Code shall be interpreted and opinions as to the intent and application hereof rendered with consideration to the specific provisions of the Code itself and with due regard to a document prepared in connection with the adoption of this Code and entitled "Background Analysis." While such "Background Analysis" is not formally adopted as an ordinance of Sandy City, the concepts and historical facts reviewed therein are deemed an important source in providing a correct interpretation and understanding of this Administrative Code.

6-8-2. Ethics.

The ethical conduct of all elected officials, officers, agents and employees of the City shall be governed by the provisions of the "Municipal Officers and Employees Disclosure(4) Act" or its successor statute(s).

6-8-3. Prohibitions on Employment of Relatives.

Prohibitions on the employment of relatives by the City shall be governed by the provisions of Utah Code Annotated, Section 52-3-1 and any successor provisions thereof.

ADOPTED ORD. #94-37, 8/16/94, PUBLISHED 8/25/94.

Chapter 9 EMERGENCY INTERIM SUCCESSION OF CITY OFFICERS

6-9-1. Definitions.

As used herein the following terms shall have the meanings designated.

- (a) "Absent" or "absence" means not physically present or not able to be communicated with during the time of an disaster.
- (b) "Defined Officer" means any person whose duties are defined by constitution, statute, ordinance, or optional plan pursuant to Chapter 63-5b, Utah Code Annotated (UCA).
- (c) "Disaster" means a situation causing, or threatening to cause, wide-spread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomenon, or technological hazard.
- (d) "Emergency interim successor" is the individual designated as provided herein to fulfill the duties of a Defined Officer or department head in the event of a disaster where the Defined Officer or department head, or any designated prior emergency interim successor is absent.
- (e) "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.

6-9-2. Successors of Mayor.

In the Mayor's absence or unavailability during a disaster, the City Administrator shall exercise the duties and powers of the Mayor. The Mayor shall designate three other persons to act as emergency interim successors in his or her stead and to exercise the powers of the Mayor in the event the Mayor and the City Administrator are unavailable during a disaster.

6-9-3. Succession of Defined Officers and Department Heads.

Each Defined Officer or department head shall from time to time designate three emergency interim successors for his or her office in a designated succession to the Mayor and City Recorder in a signed writing which shall be effective except as otherwise designated in writing by the Mayor. The Mayor may by his own initiative designate from time to time the order of succession for any Defined Officer or department head, and shall so notify in a signed writing the City Recorder and the Defined Officer or department head.

6-9-4. Written Notice to Recorder.

The City Recorder shall keep a current written list of designated emergency interim successors for all the Defined Officers and department heads and shall promptly provide that list to the City Emergency Service Director in the Fire Department in a signed writing as they may change from time to time. The City Recorder shall also provide a list of emergency interim successors to all of the City's Defined Officers to the State Division of Comprehensive Emergency Management.

6-9-5. Oath of Office.

Each individual designated as an emergency interim successor shall take and sign an oath of office if such an oath is required for the person to exercise the powers and duties of the office to which the person may succeed.

Endnotes

1 (Popup - Popup)

The city recorder shall countersign all contracts made on behalf of the city and shall maintain a properly indexed record of all such contracts. UCA 10-6-138.

2 (Popup - Popup)

Section 10-3-920 allows bail commissioners to be appointed in a "city of the third class" only.

3 (Popup - Popup)

An involuntary or coerced resignation is equivalent to a discharge. *Sheikh v. Department of Public Safety*, 275 Utah Adv. Rep. 28 (Utah App. 1995).

4 (Popup - Popup)

This term has been changed to "Ethics."